

REMARKS

Claims 1-4 remain pending. Independent claims 1-4 have been amended to further define the claimed invention. Claims 5-20 are canceled without prejudice or disclaimer of any subject matter, and without acquiescence to the arguments in the Office Action. The Applicant respectfully requests reconsideration and allowance of this application in light of the foregoing amendments and the following remarks.

I. Amended Claims 1-4 Contain the Allowable Subject Matter of Claims 8, 12, 16 and 20

Independent claims 1-4 have been amended to incorporate the limitations of dependent claims 8, 12, 16 and 20 (and intervening dependent claims 7, 11, 15 and 19, respectively), which the Examiner indicated contain allowable subject matter.

II. Identification of Related Applications; Double Patenting and Terminal Disclaimer

The Examiner has rejected the present application under obviousness-type double patenting with respect to U.S. Pat. No. 6,601,044.

In the Office Action, the Examiner also requested identification of related applications, and stated that the independent claims of the present application are similar to claim 20 of U.S. Pat. No. 6,601,044, claim 1 of U.S. Pat. No. 6,996,539 and claim 1 of U.S. Pat. No. 7,117,176. The Examiner further stated that Applicant is required to “file a terminal disclaimer accordingly.” Applicant will interpret the Examiner’s comments as extending the obviousness-type double patenting rejection to U.S. Pat. No. 6,996,539 and U.S. Pat. No. 7,117,176, and instituting a provisional obviousness-type double patenting rejection with respect to the related applications (identified below).

In response, Applicant respectfully identifies the following pending patent applications, which share a common specification with the present application and – like the present application – claim priority to U.S. Application No. 09/038,158 (now U.S. Patent No. 6,996,539):

- U.S. Application S/N 10/627,873 (filed July 28, 2003)
- U.S. Application S/N 10/627,626 (filed July 28, 2003)
- U.S. Application S/N 10/627,921 (filed July 28, 2003)

Without acquiescing to the double patenting rejection, a terminal disclaimer is being filed herewith with respect to the above-referenced patents and pending patent applications that are the subject of the obviousness-type double patenting rejection. Applicant respectfully requests that the double patenting rejection be withdrawn.

CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of objection and rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned to discuss any matter regarding this application.

Respectfully submitted,

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Date: April 29, 2009

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